

Exhibit A

Pierce Robertson, et al. v. Mark Cuban, et al.

No. 22-cv-22538

December 20, 2022

Discovery Hearing Before Judge Reid



December 28, 2021

Crypto Broker Voyager Faces Proposed Class-Action Suit Over Trading Fees

Allyson Versprille, Bloomberg News



Moskowitz said that if Voyager agrees to injunctive changes to end their “unlawful practices” and provide adequate disclosures to investors within 75 days, his firm won’t seek any attorneys’ fees in the case.

The suit also mentioned the NBA’s Dallas Mavericks and the team’s billionaire owner Mark Cuban. According to the filing, Cuban’s support for and the Mavericks’ recent partnership with the crypto broker illustrate how Voyager is “targeting unsophisticated investors with false and misleading promises of reaping large profits in the cryptocurrency market.” The Mavericks declined to comment and Cuban didn’t return a request for comment.

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VOYAGER: "LACK PERSONAL JURIDICTION"

- Motion to Dismiss for Lack of Jurisdiction over Voyager Digital
- "No connection" between **Voyager and Florida**
- Chief Judge Altonaga: Under facts, always allow depositions/discovery
- Voyager Depositions: Proved the opposite, Florida one of largest states

COURT ALREADY REQUIRED JURISDICTION DEPOSITIONS

- Chief Judge Altonaga: “well established that the Eleventh Circuit recognizes the right to conduct limited jurisdictional discovery.”
 - *Cassidy*, ECF No. 36 (S.D. Fla. March 3, 2022) (Altonaga, C.J.)
- Once jurisdictional facts disputed, Court “does not have discretion to grant or deny” the request, rather “the element of discretion, if any, exists . . . only with respect to the form that the discovery will take.”
- Chief Judge Altonaga ordered Voyager to immediately make available for deposition specific declarants who provided declarations in support of Motion to Dismiss for Lack of Jurisdiction.

Cuban's Questionable Declaration

- "At no time have I done anything with or in connection with Voyager while in Florida."
- None of my visits to Florida "had any connection to Voyager."
- He *only* owns "two vacation condominium units" (neighbor valued over \$40 million) in Miami

JURISDICTIONAL ALLEGATIONS IN COMPLAINT/RECORD

- ECF No. 41-1 at 5:11–16 : Mark Cuban: “And, of course, . . . the Mavs being a leader I think we are going to extend this far deeper than just Mavs fans, I think Voyager is going to be a leader amongst sports fans and crypto fans **around the country.**”
- Am. Compl., ¶ 49 : “This Court has personal jurisdiction against Defendants because they conduct business in Florida, and/or have otherwise intentionally availed themselves of the Florida consumer market through the promotion, marketing, and sale of Voyager’s EPAs in Florida, which constitutes committing a tortious act within the state of Florida. Defendants have also marketed and participated and/or assisted in the sale of Voyager’s unregistered securities to consumers in Florida. This purposeful availment renders the exercise of jurisdiction by this Court over Defendants permissible under traditional notions of fair play and substantial justice.”
- Am. Compl., ¶¶ 7–9 : Florida-resident Plaintiffs who purchased EPAs after being exposed to some or all of Defendants’ misrepresentations and omissions regarding the EPAs and Deceptive Voyager Platform
- Am. Compl., ¶ 56 : “As an incentive, Defendants Cuban and the Mavericks even ran a [nationwide] promotion shortly after the press conference where individuals who downloaded the Voyager app to invest during a certain time would receive **\$100 in Bitcoin.**” (citing <https://markets.businessinsider.com/news/currencies/mark-cuban-dallas-mavericks-freebitcoin-100-voyager-digital-app-2021-10> (accessed December 1, 2022))

October 27, 2021 Press Conference



October 27, 2021 Press Conference



October 27, 2021 Press Conference



October 27, 2021 Press Conference



Cuban known about THIS case for a year

- Stay lifted and Amended Complaint filed October 28, 2022.
- Discovery requests served November 7, 2022
- Court denied Cuban's motion to stay discovery November 18, 2022
- Defendants have not provided any substantive responses ("Yes, I had a Voyager account", when buy stock, how much, etc.) or production, only Objections.

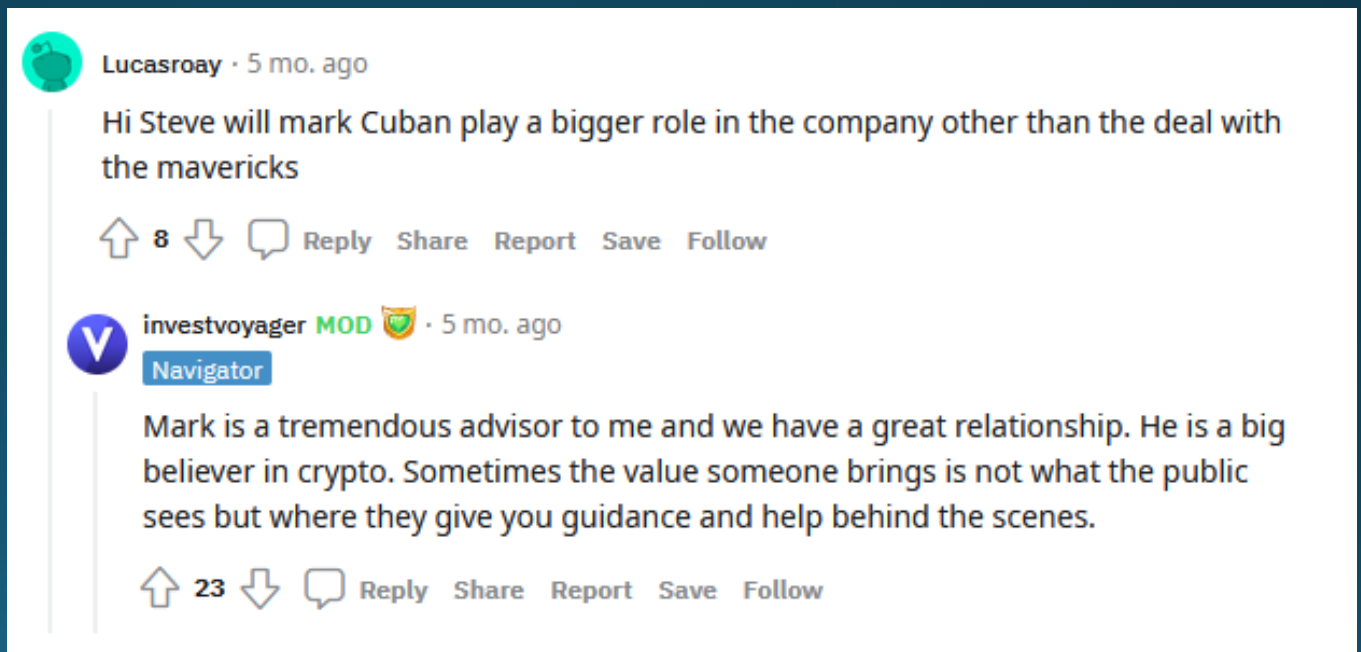
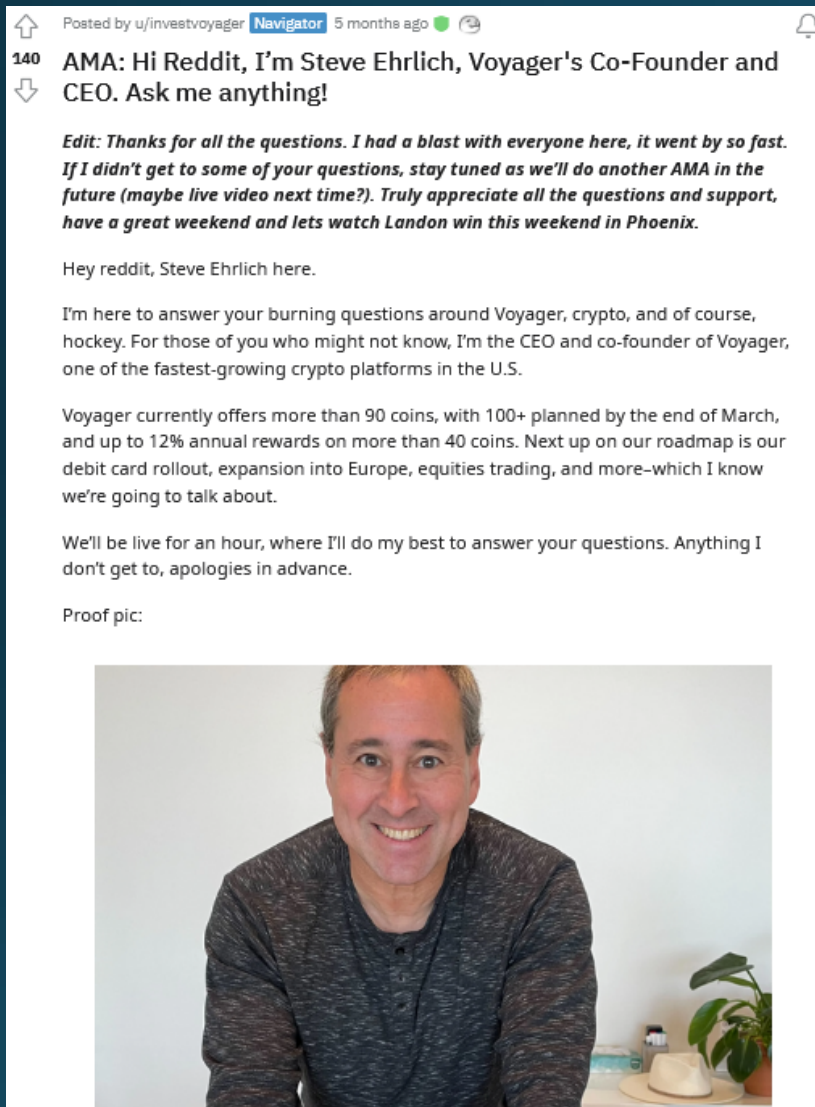
Court Ruled Discovery to Proceed (D.E. 45)

- "Motions to stay discovery are not favored because when discovery is delayed or prolonged it can create case management problems which impede the Court's responsibility to expedite discovery and cause unnecessary litigation expenses and problems."
- Defendants have done nothing to establish a "specific showing of prejudice or burdensomeness."
- In fact, taking "a preliminary peek" at the merits of the motion to dismiss, the motion is not "clearly" meritorious.

October 27, 2021 Press Conference



“Mark is a tremendous advisor to me and we have a great relationship”

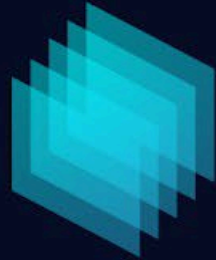


Deposition scheduled for January 25, 2022 in Stamford, Connecticut

JUST TWO MONTHS LATER



MIAMI JANUARY 2022 CRYPTO INTERNATIONAL CONVENTION



THE NORTH AMERICAN BITCOIN CONFERENCE



BILLIONAIRE INVESTOR **MARK CUBAN** TO SHARE STAGE
WITH MIAMI MAYOR **FRANCIS X. SUAREZ** AT MIAMI BLOCKCHAIN WEEK

2022 MIAMI INTERNATIONAL EVENT

- Business titan and billionaire investor Mark Cuban joins crypto-friendly Miami Mayor, Francis Suarez as headline speakers at The North American Bitcoin Conference (TNABC) at the James L. Knight Center in Miami, Florida, on January 17-19, 2022.
- Mark Cuban is an entrepreneur, television personality from the hit ABC reality TV series “Shark Tank.”, and media proprietor. He is the owner of the Dallas Mavericks professional basketball team of the National Basketball Association, co-owner of 2929 Entertainment, and chairman of AXS-TV. He also has 18 blockchain companies as part of his portfolio, including Lazy.com, an online gallery, and a marketplace for NFTs.

Mark Cuban on the Miami Crypto Scene



MARK CUBAN PUBLIC QUOTES

- On Nov. 11, 2022, Mark Cuban spoke at conference Sports Business Journal:
- “First, you’ve got to understand crypto. There’s speculation—that’s all the noise. Then there’s things that have happened with ... Voyager and with FTX now—that’s somebody running a company that’s just dumb as f*** greedy.”

SPECIFIC DISCOVERY ITEMS

- 1. Entry of Confidentiality Order
- 2. Deposition of Mark Cuban/Mavericks CEO
- 3. Objection to every request

Two-Tier Confidentiality Order Unnecessary

- Judge Altman already **denied** Defendants' request for Protective Order (ECF No. 45):
 - ... to the extent the Defendants' Motion seeks a protective order, we'll DENY that, too, because the Defendants haven't told us what they seek protection from or what that protective order might look like. Judge Roy K. Altman on 11/18/2022.
- Defendants' "highly confidential" designation, this Court says is "most restrictive possible protective order," "confines dissemination of discovery materials only to the opposing party's attorneys and other consultants/experts"
 - *Procaps S.A. v. Patheon Inc.*, 12-24356-CIV, 2015 WL 4430955, at *6 (S.D. Fla. July 20, 2015) (Goodman, M.J.).

Two-Tier Confidentiality rejected by this Court

- Requires Defendants to “describe the alleged harm it will suffer from any disclosure with a particular and specific demonstration of fact, as distinguished from stereotyped and conclusory statements.”
 - *Id.*
- Simply no basis for a “highly confidential” designation → risk of harm to Plaintiffs from indiscriminate use, poses “significant handicap on the restricted litigant” because (1) “[d]iscovery, trial preparation, and trial are made more difficult and expensive if an attorney cannot make complete disclosure of the facts to the litigant[,]” and (2) because “it is difficult, and perhaps impossible, for an attorney to counsel a client to compromise or even abandon a case on the basis of information kept secret from the client.”
 - *Id.*, at *6 (citations omitted)

Cuban Must Be Deposed on Declaration

- Jurisdictional facts in dispute. Cuban:
“I have no connection to Florida”
- Complaint:
Numerous connections between Cuban and Florida

Defendants Sole Case Does Not Help

- Defendants' sole authority relies on inapposite opinion by Mag. J. Reinhart, plaintiffs completely failed to allege *any* facts regarding forum-related conduct with Florida, nor did complaint *even reference* Florida's long arm statute. *Eran Fin. Servs., LLC, v. Eran Indus. Ltd.*, No. 21-cv-81386-BER, ECF No. 69 (Nov. 4, 2022).
- In that same order, Magistrate Judge Reinhart invited plaintiffs to instead move for leave to file an amended complaint to cure those pleading deficiencies, which they then did. Those pleading deficiencies are absent from Plaintiffs' amended complaint.

Cuban Must Be Deposed on Declaration

- If Defendants specifically rely on Cuban Declaration to Support their Pending Motion to Dismiss:
 - Cuban must be deposed *before* Ps' Opposition due →
 - either January 3, 2022, or deadline must be extended to January 24, 2022 = deadline to amend pleadings/join parties
- If Defendants *withdraw* the declaration, then Cuban should be deposed in February

Defendants' Objections Should Be Overruled

- Main objections: “vague,” “ambiguous,” “overly broad,” or “redundant,” but will produce only “on a rolling basis” and “subject to execution of a mutually agreeable protective order entered by the Court.”

Mavericks Example:

REQUEST NO. 7:

All documents regarding any research or due diligence YOU performed about the Voyager Entities or the Voyager Platform prior to promoting, supporting, selling, or publishing statements regarding the Voyager Entities or the Voyager Platform.

RESPONSE NO. 7:

Defendant objects to the Request No. 7 on the ground that it is overly broad, and seeks documents likely to be protected by the attorney-client privilege. Subject to the foregoing General and Specific Objections, Defendant will produce responsive, non-privileged documents in Defendant's possession, custody and control on a rolling basis, subject to the execution of a mutually agreeable protective order entered by the Court.

Cuban Example:

REQUEST NO. 7:

All documents identifying any and all direct and indirect compensation YOU received from the Voyager Entities.

RESPONSE NO. 7:

Defendant objects to the Request No. 7 on the ground that it is overly broad, and construes Request No. 7 as seeking any documents reflecting any compensation Defendant received from any of the so-called “Voyager Entities,” and **excluding any account that Defendant may have had with Voyager**. Defendant further notes that the Mavericks—not Mr. Cuban—was the counterparty of the Sponsorship Agreement. Subject to the foregoing General and Specific Objections, Defendant responds as follows: Defendant did not receive any compensation from any of the so-called “Voyager Entities,” and therefore has no responsive documents.

Defendants' Objections Should Be Overruled

Mavericks Example:

INTERROGATORY NO. 4:

Identify any research or due diligence YOU performed about the Voyager Entities or the Voyager Platform prior to entering into any Agreements with the Voyager Entities.

RESPONSE TO INTERROGATORY NO. 4:

In addition to the foregoing General Objections, Defendant objects to this Interrogatory on the ground that this Interrogatory is vague and ambiguous, incorrectly assumes that the Mavericks entered into any agreement other than the Sponsorship Agreement, and seeks information protected by the attorney client privilege. Subject to and without waiving the foregoing General and Specific Objections, Defendant responds:

Defendant will supplement Response No. 4 upon execution of a mutually agreeable protective order entered by the Court, and notes that the Mavericks and Voyager Digital Holdings, Inc. entered into one agreement—and only agreement, dated October 29, 2021.

Cuban Example:

INTERROGATORY NO. 6:

Identify any and all support for YOUR statement, and any research or due diligence YOU performed about the Voyager Entities or the Voyager Platform prior to stating, regarding the Voyager Platform that: (a) “and so with Voyager, the pricing has been far, far better, so if you’re paying attention and want to get the best price, Voyager is a great platform for it.”, (b) “easy, it’s cheap, it’s fast, and the pricing is actually really good.”, and (d) “as close to risk free as you’re going to get”.

RESPONSE TO INTERROGATORY NO. 6:


In addition to the foregoing General Objections, Defendant objects to this Interrogatory on the ground that this Interrogatory is vague and ambiguous, and the quoted language in Interrogatory No. 6 is taken out of context, **to such an extent that no response is required**. Subject to and without waiving the foregoing General and Specific Objections, Defendant responds:

Mr. Cuban stated during the October 27, 2021 press conference, among other things, the following:








- Mr. Cuban expressly warned users to “always be careful” with their money and avoid “rush[ing] into” putting a significant amount of money into their Voyager accounts.
- Mr. Cuban also stated “Yeah, I mean you’re spending your money always be careful. But the other thing is, look, there’s investments [like Shiba and Dogecoin], those aren’t investments, right? This is better than a lottery ticket, but this is a good way to learn.”



VOYAGER/MAVERICK NATIONAL PRESS EVENT

“Mark is a tremendous advisor to me and we have a great relationship”

 Lucasroay · 5 mo. ago








Hi Steve will mark Cuban play a bigger role in the company other than the deal with the mavericks

 8   Reply  Share  Report  Save  Follow

 investvoyager MOD  · 5 mo. ago

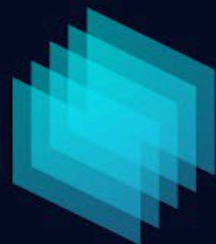
Navigator

Mark is a tremendous advisor to me and we have a great relationship. He is a big believer in crypto. Sometimes the value someone brings is not what the public sees but where they give you guidance and help behind the scenes.

 23   Reply  Share  Report  Save  Follow

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MIAMI 2022 CRYPTO INTERNATIONAL CONVENTION



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CUBAN WANTS TO NOW "START DISCOVERY"

Following execution of a protective order and agreement on an ESI protocol, applicable search terms, and the relevant document custodians, Defendants are willing to commit to a reasonable, reciprocal discovery schedule that will allow both parties to produce responsive and non-privileged documents on a rolling basis.

Defendants anticipate that counsel will need to review a large number of documents in response to Plaintiffs' requests. Defendants' counsel asked Plaintiffs' counsel, during the meet and confer, to provide search terms and otherwise participate in negotiating an ESI protocol, but Plaintiffs' counsel declined to engage with Defendants' counsel in such process.